

particular words are the ones he disputes, and a reader not given any such indication might naturally assume that Babbitt intended a blanket denial of the gist of Eckstein's statement, not a narrow denial that he used particular words. Taken together with the succeeding sentence, which is a broad denial of any significant contact with Ickes, the tone is clearly one of general denial.

Babbitt himself concedes that a reasonable reader could permissibly infer that his letter constituted a flat denial that he had invoked Ickes's name, though he insists that was not an inference he intended. Babbitt suggests that he was answering only the question of whether he and Ickes had ever communicated about Hudson, or whether Ickes had ever directed or instructed him to make a decision without delay, and not how he had invoked Ickes in speaking with Eckstein. The text of McCain's letter, however, plainly requests Babbitt to address the truthfulness of Eckstein's sworn account of what Babbitt said to Eckstein, not just whether Babbitt and Ickes had communicated about Hudson.⁸³⁷ Moreover, if Babbitt only intended to answer the question of whether he and Ickes communicated on the Hudson application, he would not have needed to begin that portion of his response by "regretfully disput[ing] Mr. Eckstein's assertion."⁸³⁸ Babbitt could have just stated what he states after that sentence – "I never

⁸³⁷ Babbitt acknowledged that he either must have read McCain's July 19, 1996, letter or must have spoken with someone about it, but states that he cannot recall whether the letter was provided to him when he was finalizing his responsive Aug. 30, 1996 letter to McCain. It was standard practice at Interior, however, to provide the Secretary incoming and outgoing letters side by side in a folder, with surnamed copies of the outgoing letter underneath. It seems unlikely that, given the allegations of impropriety contained in Sen. McCain's letter of inquiry and the fact that they concerned Babbitt personally, Babbitt would not have reviewed it as he prepared and edited his own response.

⁸³⁸ In addition, at points in his Senate hearing testimony, Babbitt parsed distinctions between his recollection of the July 14 discussion and Eckstein's, and said that he had "represented that much in [Babbitt's] letter to Senator McCain." Babbitt Senate Test. at 242.